

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DEVIN M. ENRIQUES and
MARQUITA JENSEN,

Defendants.

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8:08CR383

ORDER

This matter is before the court on the motion for an extension of time by defendant Devin M. Enriquez (Enriquez) (Filing No. 48). Enriquez seeks a continuance of the trial scheduled for March 9, 2009. Enriquez' counsel represents that Enriquez will file an affidavit wherein he consents to the motion and acknowledges he understands the additional time may be excludable time for the purposes of the Speedy Trial Act. Upon consideration, the motion will be granted and trial will be continued as to both defendants.

IT IS ORDERED:

1. Defendant Enriquez' motion for a continuance of trial (Filing No. 48) is granted.
2. Trial of this matter is re-scheduled for **April 13, 2009**, before Chief Judge Joseph F. Bataillon and a jury. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **March 6, 2009 and April 13, 2009**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that defendants' counsel require additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

DATED this 6th day of March, 2009.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge